IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 28339 of 2007(W)

PETITIONERS:

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1. WILSON CHIRAYATH,
VICE PRESIDENT, THRISSUR HOUSE CONSTRUCTION CO-OPERATIVE SOCIETY LTD. NO.R-1107, THRISSUR.

2. DR. JUSTIN GEORGE,
MEMBER, MANAGING COMMITTEE, THRISSUR HOUSE CONSTRUCTION CO-OPERATIVE SOCIETY LTD.NO.R-1107, THRISSUR.

3. SANTHOSH KATTOOKARAN,
MEMBER, MANAGING COMMITTEE, THRISSUR HOUSE CONSTRUCTION CO-OPERATIVE SOCIETY LTD.NO.R-1107, THRISSUR.

4. RAJU MULACKAN,
MEMBER, MANAGING COMMITTEE, THRISSUR HOUSE CONSTRUCTION CO-OPERATIVE SOCIETY LTD.NO.R-1107, THRISSUR.

BY ADV. SRI.C.D.DILEEP

RESPONDENTS:

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1. THE JOINT REGISTRAR,
CO-OPERATIVE SOCIETIES (GENERAL), THRISSUR.

2. JAMES PELLISSERY,
PRESIDENT, THE THRISSUR HOUSE CONSTRUCTION CO-OPERATIVE SOCIETY LTD. NO.R-1107, THRISSUR.

3. THE SECRETARY,
THE THRISSUR HOUSE CONSTRUCTION CO-OPERATIVE SOCIETY LTD. NO.R-1107, THRISSUR.

R1 BY GOVERNMENT PLEADER (SHRI P.K. RAVIKRISHNAN)

R2 & R3 BY ADV. SRI.GEORGE JACOB (JOSE), SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.28339 of 2007

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Dated this the 4th day of October, 2007

JUDGMENT

Petitioners have approached this court on the following brief allegations:

Petitioners are the majority members of the Managing Committee of the Society. The second respondent, who is the President of the Society is alleged to be working in an autocratic manner without consulting the Secretary of the Society. The Secretary of the Society is a young lady aged 30 years. Allegations are made against the second respondent in relation to the Secretary. Committee decision was taken on 30.8.2007. The second respondent has filed a petition as Ext.P2 purporting to be under Rule 176. Petitioners have also filed Ext.P5 dated 22.9.2007. Petitioners have contended that though they are the respondents in Ext.P2 petition, no notice has been issued to them. Accordingly they filed Ext.P3 representation. It is submitted by the learned counsel for the petitioners that the petitioners seek to move a no-confidence motion as Ext.P4 but it cannot be acted

upon as it has become time barred and hence no relief is claimed in this writ petition in this regard.

2. Heard Government Pleader also.

The writ petition is disposed of as follows:

The first respondent will afford an opportunity of hearing to the petitioners also before taking a decision on Ext.P2. There will be a direction to consider and take a decision on Ext.P5 in accordance with law within a period of two months from the date of receipt of a copy of this judgment. The second respondent will also be heard before taking a decision on Ext.P5. It is open to the second respondent to urge that Ext.P5 is not maintainable in law.

(K.M. JOSEPH, JUDGE)

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